

**DEPARTMENT OF SAFETY AND HOMELAND SECURITY**  
**OFFICE OF THE SECRETARY**

Statutory Authority: 16 Delaware Code, Section 10404  
(16 Del.C., §10404)

**PROPOSED**

**PUBLIC NOTICE**

**Regulations Governing Community Firearm Recovery Programs**

The Delaware Department of Safety and Homeland Security hereby gives notice of its intent to adopt these proposed regulations pursuant to the General Assembly's delegation of authority found at 16 Del.C. §10404 in order to implement the pilot program for the Community Firearm Recovery Program.

The Department solicits and will consider timely filed written comments from interested individuals and groups concerning these proposed regulations. The deadline for the filing of such written comments will be thirty days after the proposed regulations are promulgated in the *Delaware Register of Regulations*, or by October 1, 2011. Any such submissions should be mailed or hand delivered to Terry Pepper whose address is; Department of Safety and Homeland Security, Public Safety Building, Suite 220, 303 Transportation Circle, Dover, DE 19901, on or before the deadline.

**Regulations Governing Community Firearm Recovery Programs**

**1.0 Definitions**

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

"Agency" means any local municipal police department, the New Castle County Police Department and the Delaware State Police.

"CFRP" means Community Firearm Recovery.

"DSHS" means Delaware Department of Safety and Homeland Security.

"Firearm" means any firearm as defined in Sec 222(12), Title 11, Delaware Code.

"Gift Card" means type of payment used by a police agency to pay for surrendered- firearms such as a VISA or MasterCard gift card.

"Pilot Period" means July 6, 2011 to May 15, 2012.

"Secretary" means the Secretary of Delaware Department of Safety and Homeland Security.

**2.0 Application by Requesting Police Agency:**

2.1 Funds allocated pursuant to 16 Del.C. Ch. 104 shall be maintained in the DSHS, Office of the Secretary.

2.1.1 Administrative costs incurred pursuant to the recovery of the weapons, the purchase and redemption of gift cards, and, upon approval by the Secretary, publication and advertising of the CFRP event shall be reimbursable through the funds allocated under 16 Del.C. Ch. 104 and these regulations.

2.1.2 Administrative costs shall be requested by the police agency in advance of the CFRP event pursuant to section 2.3 of these regulations.

2.2 Request for funds:

2.2.1 An agency may participate in the CFRP and receive funds, upon approval by the Secretary, by submitting a letter of request, at least 14 days in advance of the event, indicating its desire to do so and stating the following:

2.2.1.1 The date, time, location and duration of the event;

2.2.1.2 Any civic and/or community organization participating in the event in collaboration or partnership with the requesting agency;

2.2.1.3 The person in the requesting agency responsible for maintaining the funds and/or inventory allocated by DSHS as well as any funds and/or inventory contributed by sponsoring entities;

2.2.1.4 An estimate of firearms the requesting agency believes it will receive as a result of the CFRP event;

2.2.1.5 The estimated costs of publication and advertising; and,

2.2.1.6 The estimated costs to administer the program.

- 2.3 Agencies may, and are encouraged to, convert any funds received from DSHS for a CFRP event to gift cards redeemable for merchandise in the amounts stated in Sections 3.3 and 3.4 of these regulations, to the extent possible.
- 2.4 Within seven (7) days after the conclusion of the CFRP event, the police agency shall submit to the Secretary an accounting of all funds allocated by DSHS under these regulations.
- 2.5 All unused funds shall be returned to DSHS in the form of U.S. currency, check or money order within seven (7) days of the CFRP event.

### **3.0 Collection and Disposition of Recovered Firearms:**

- 3.1 Upon surrender, all firearms shall be tagged or marked by the collecting agency as to where collected, whom collected by, the date of collection, make, model and serial number.
- 3.2 All ammunition received shall be disposed of at the discretion of the host agency in accordance with their policies.
- 3.3 Funds shall be issued for firearms which, upon preliminary inspection, appear to be operational, in amounts not to exceed the following:

<u>Assault Rifles</u>	<u>\$200.00</u>
<u>Hand Guns</u>	<u>\$150.00</u>
<u>Rifles</u>	<u>\$100.00</u>
<u>Shotguns</u>	<u>\$100.00</u>

- 3.4 The agency shall have the discretion to pay an amount not to exceed \$75.00 for parts of firearms and ammunition received during a CFRP event.
- 3.5 Within seven (7) business days after the conclusion of a CFRP event, a complete list of all firearms collected shall be supplied to the Secretary containing information listed in section 3.1 of these regulations.
- 3.6 It shall be the responsibility of the police agency holding a CFRP event to dispose of the firearms collected. Disposal may include any, or a combination, of the following:
- 3.6.1 Sale or transfer of firearms to a federal licensed dealer, (defined as a person licensed as a firearms collector, dealer, importer, or a manufacturer under the provisions of 18 U.S.C. section 922). The proceeds of any such sale shall be utilized by the agency for any law enforcement or charitable purpose as established by the agency conducting the CFRP event.
- 3.6.2 Destruction in a manner causing total destruction of the firearm through such methods as melting or shredding.
- 3.6.3 Return any firearms determined to be stolen to the rightful owner.
- 3.7 Agencies, upon disposition of firearms, shall furnish a list of all disposed firearms to the Secretary.

### **4.0 General Rules:**

- 4.1 An agency conducting a CFRP event shall be responsible for the security of the site, the surrounding area, the surrendered firearms, transportation of surrendered firearms and all unused funds and inventory.
- 4.2 To ensure safety, any agency conducting a CFRP event shall have at least one person on site knowledgeable in the operation and safety of firearms.
- 4.3 Any individual who elects to surrender a firearm anonymously at a CFRP event may do so and personal identification shall not be required to be presented at the time of the redemption.

**15 DE Reg. 319 (09/01/11)**